

IN THE CIRCUIT COURT OF THE 9TH
JUDICIAL CIRCUIT IN AND FOR
ORANGE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 2018-CA-012128-O

SHARRIF K. FLOYD

Plaintiff,

vs.

DR. JAMES ANDREWS, M.D.; DR. GREGORY
HICKMAN, M.D.; DR. CHRISTOPHER WARRELL,
M.D.; DR. TARIQ HENDAWI, M.D.; THE ANDREWS
INSTITUTE AMBULATORY SURGERY CENTER,
LLC; PARADIGM ANESTHESIA, P.A.; BAPTIST
HOSPITAL, INC.; BAPTIST HEALTH CARE
CORPORATION; GULF BREEZE HOSPITAL, INC.,
BAPTIST HOSPITAL, INC. d/b/a GULF BREEZE
HOSPITAL; AND BAPTIST PHYSICIAN GROUP, LLC,

Defendants.

**UNOPPOSED MOTION FOR ENTRY OF DISCOVERY ORDER PERTAINING TO
SUBPOENA TO NON-PARTY MINNESOTA VIKINGS FOOTBALL CLUB, LLC**

Plaintiff Sharrif Floyd moves on an unopposed basis for the entry of the proposed Stipulated Protective Order attached as Exhibit “A”, which concerns discovery related to his subpoena to non-party Minnesota Vikings Football Club, LLC (the “Vikings”).

The proposed order sets out stipulated confidentiality measures requested by the Vikings to govern the treatment of produced documents, information and materials. Counsel for Plaintiff has conferred with counsel for all other parties, who have consented to entry of the attached Stipulated Protective Order. All parties have agreed to be bound by the Stipulated Protective Order and have executed it, subject to approval by the Court.

Wherefore, Plaintiff respectfully requests that the Court approve the attached Stipulated Protective Order to govern discovery from non-party Minnesota Vikings Football Club, LLC.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was filed on February 5, 2019, via the Florida Courts E-Filing Portal and emailed to all counsel of record listed on the attached Service List.

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/s/ Gabriel E. Nieto

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PROPOSED STIPULATED PROTECTIVE ORDER

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 2018-CA-012128-O

SHARRIF K. FLOYD,

Plaintiff,

v.

DR. JAMES ANDREWS, M.D.; DR.
GREGORY HICKMAN, M.D.; DR.
CHRISTOPHER WARRELL, M.D.; DR. TARIQ
HENDAWI, M.D.; THE ANDREWS
INSTITUTE AMBULATORY SURGICAL
CENTER, LLC; PARADIGM ANESTHESIA,
P.A.; BAPTIST HOSPITAL, INC.; BAPTIST
HEALTH CARE CORPORATION; BAPTIST
HOSPITAL, INC. d/b/a GULF BREEZE
HOSPITAL; and BAPTIST PHYSICIAN
GROUP, LLC,

Defendants.

_____ /

STIPULATED PROTECTIVE ORDER

IT IS HEREBY STIPULATED by and between Plaintiff SHARRIF FLOYD (“Plaintiff”) and
Defendants DR. JAMES ANDREWS, M.D.; DR. GREGORY HICKMAN, M.D.; DR.
CHRISTOPHER WARRELL, M.D.; DR. TARIQ HENDAWI, M.D.; THE ANDREWS
INSTITUTE AMBULATORY SURGICAL CENTER, LLC; PARADIGM ANESTHESIA,
P.A.; BAPTIST HOSPITAL, INC.; BAPTIST HEALTH CARE CORPORATION; BAPTIST

HOSPITAL, INC. d/b/a GULF BREEZE HOSPITAL; and BAPTIST PHYSICIAN GROUP, LLC (collectively, “Defendants”), through their respective attorneys of record, as follows:

WHEREAS, documents and information have been and may be sought from non-party MINNESOTA VIKINGS FOOTBALL CLUB, LLC (the “Vikings”) to be produced or exhibited by and among the parties and certain non-parties to this action relating to confidential information falling within the following categories:

1. Information that contains trade-secrets, non-public competitively sensitive and/or proprietary material; and
2. Confidential personal information, including financial information, social security numbers, protected health information and similar sensitive information.

THEREFORE, an Order of this Court facilitating the discovery of the foregoing by protecting such confidential information shall be and hereby is made by this Court on the following terms:

1. This Order shall govern the use, handling and disclosure of all such documents produced by the Vikings, testimony or information produced or given in this action which are designated to be subject to this Order in accordance with the terms hereof.
2. The Vikings and/or any party producing (a “Producing Party”) or filing documents or materials in this action produced by the Vikings may designate such materials and the information contained therein subject to this Order by typing or stamping on the front of the document, or on accompanying identifying documents in the case of media produced, or on the portion(s) of the document for which confidential treatment is designated, “Confidential.”
3. To the extent any motions, briefs, pleadings, deposition transcripts, or other papers to be filed with the Court incorporate such confidential documents or information subject to this Order, the party filing such papers shall designate such materials, or portions thereof, as “Confidential,” or

shall redact personal identifying information consistent with state and local rules. A party filing documents as “Confidential” shall file them with the clerk under seal; provided, however, that a copy of such filing having the confidential information deleted therefrom may be made part of the public record. Any party filing any document under seal must comply with the requirements of Florida Rule of Judicial Administration 2.420.

4. All documents, transcripts, or other materials subject to this Order, and all information derived therefrom (including, but not limited to, all testimony given in a deposition, declaration or otherwise, that refers, reflects or otherwise discusses any information produced by the Vikings designated “Confidential” hereunder), shall not be used, directly or indirectly, by any person, for any purpose whatsoever other than solely for the preparation and trial of this action in accordance with the provisions of this Order.

5. Except with the prior written consent of the Vikings and/or counsel for the Vikings designating a document or portions of a document as “Confidential,” any document, transcript or pleading given “Confidential” treatment under this Order, and any information contained in, or derived from any such materials (including but not limited to, all deposition testimony that refers to, reflects or otherwise discusses any information designated “Confidential” hereunder) may not be disclosed other than in accordance with this Order and may not be disclosed to any person other than: (a) the Court and its officers; (b) parties to this litigation; (c) counsel for the parties, whether retained outside counsel or in-house counsel, and employees of counsel assigned to assist such counsel in the preparation of this litigation including non-testifying expert consultants; (d) fact witnesses or deponents; (e) present or former employees of a Producing Party in connection with their depositions in this action; and (f) experts specifically retained as consultants or expert witnesses in connection with this litigation.

6. Documents produced pursuant to this Order shall not be made available to any person designated in Subparagraphs 5(d)-(f) unless he or she shall have first read this Order, agreed to be bound by its terms, and signed the attached Declaration of Compliance.

7. All persons receiving any or all documents produced pursuant to this Order shall be advised of their confidential nature. All persons to whom confidential information and/or documents are disclosed are hereby enjoined from disclosing same to any person except as provided herein, and are further enjoined from using same except in the preparation for and trial of the above-captioned action between the named parties thereto. No person receiving or reviewing such confidential documents, information or transcript shall disseminate or disclose them to any person other than those described above in Paragraph 5 and for the purposes specified, and in no event shall such person make any other use of such document, information or transcript.

8. Nothing shall prohibit a party from requesting that the court maintain the confidentiality of materials designated "Confidential" at trial or redacting sensitive information consistent with Florida Rule of Judicial Administration 2.425.

9. This Order has been agreed to by the parties to facilitate discovery from and the production of relevant evidence possessed and/or controlled by the Vikings in this action. Neither the entry of this Order, nor the designation of any information, document, or the like as "Confidential," nor the failure to make such designation, shall constitute evidence with respect to any issue in this action.

10. Within sixty (60) days after the final termination and/or disposition of this litigation, the parties and persons subject to a Declaration of Compliance shall use commercially reasonable efforts to destroy all documents, transcripts, or other materials afforded confidential treatment pursuant to this Order, including any extracts, summaries or compilations taken therefrom, but

excluding any materials which in the good faith judgment of counsel are work product materials. All parties and persons subject to a Declaration of Compliance shall provide written confirmation of such destruction to the party or Producing Party who designated that information “Confidential.”

11. In the event that any party to this litigation disagrees at any point in these proceedings with any designation made under this Protective Order, the parties shall first try to resolve such dispute in good faith on an informal basis. If the dispute cannot be resolved, the party objecting to the designation may seek appropriate relief from this Court. During the pendency of any challenge to the designation of a document or information, the designated document or information shall continue to be treated as “Confidential” subject to the provisions of this Protective Order.

12. Nothing herein shall affect or restrict the rights of any party or Producing Party with respect to its own documents or to the information obtained or developed independently of documents, transcripts and materials afforded confidential treatment pursuant to this Order.

13. The Court retains the right to allow disclosure of any subject covered by this stipulation or to modify this stipulation at any time in the interest of justice.

Respectfully submitted,

/s/ Gabriel E. Nieto

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*Attorney for Defendant Baptist Health Care
Corporation*

IT IS SO ORDERED.

Dated: _____, 2019

The Honorable Chad Alvaro
Circuit Judge

EXHIBIT A

DECLARATION OF COMPLIANCE

I, _____, declare as follows:

1. My address is _____.
2. My present employer is _____.
3. My present occupation or job description is _____.
- 4 I have received a copy of the Stipulated Protective Order entered in this action on _____, 20____.
5. I have carefully read and understand the provisions of this Stipulated Protective Order.
6. I will comply with all provisions of this Stipulated Protective Order.
7. I will hold in confidence, and will not disclose to anyone not qualified under the Stipulated Protective Order, any information, documents or other materials produced subject to this Stipulated Protective Order.
8. I will use such information, documents or other materials produced subject to this Stipulated Protective Order only for purposes of this present action.
9. Upon termination of this action, or upon request, I will use commercially reasonable efforts to destroy all documents, transcripts, or other materials afforded confidential treatment pursuant to this Order, including any extracts, summaries or compilations taken therefrom. I will provide written confirmation of such destruction to my counsel in this action, or to counsel for the party by whom I am employed or retained or from whom I received the documents, transcripts, or other materials.

10. I hereby submit to the jurisdiction of this Court for the purposes of enforcing the Stipulated Protective Order in this action.

I declare under penalty of perjury under the laws of the United States that the following is true and correct.

Executed this ____ day of _____, 2019 at _____.

QUALIFIED PERSON